

Exhibit W

Declaration of Bruce Whitehead

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

STATE OF TENNESSEE, <i>ex rel.</i>)
JONATHAN T. SKRMETTI,)
Attorney General and Reporter,)
)
Plaintiff,)
)
vs.)
)
IDEAL HORIZON, dba SOLAR TITAN,)
USA, et al.,)
)
Defendants.)

DECLARATION OF BRUCE WHITEHEAD

I, Bruce Whitehead, hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I would testify as follows:

1. I am a United States citizen and am over 18 years of age. I reside in Knoxville, Tennessee.
2. In July 2021, I met a salesman named Jason, who worked for Defendant Ideal Horizon, dba, Solar Titan, USA (Solar Titan). He came to my home to sell a solar panel system.
3. Jason told me that if I bought a solar system from Solar Titan, it would nullify my bill.
4. After looking at my monthly bill, which was about \$400 a month, Jason told me that he had a system that would take care of 80%-90% of my energy consumption. He said that the only bill I would have would be for the utility company's administrative charges for me having solar panels. He said that the administrative charges would be about \$100.

5. Jason also told me that the solar panel system would work even if the power was shut down. This was good. I wanted a fail-safe. I have a son who has Type 1 diabetes, so ~~having this system would allow me to keep my son's insulin cold in the refrigerator even~~ if the power was turned off.
6. When Jason described the process, he told me that the panels would be up and running before I had to make a payment for the system. He said the panels would be working in 6-8 weeks. Jason told me Solar Titan would take care of everything with the utility company and inspections.
7. The system and installation costs were about \$70,000. Jason also told me I would get a tax credit, and my federal refund was \$18,200.
8. Solar Titan set me up with financing through Mosaic. I had a 6.5 interest rate and a monthly payment of \$405.71. The maturity date for the loan was September 17, 2041, so it was a 20-year loan.
9. Because my solar system was not going to be installed for 6-8 weeks, my monthly payments to Mosaic would not start until October.
10. I bought the system that Jason suggested even though it cost a lot more than some of the systems with fewer panels because of how much he said it would save me on my electric bill each month. To keep my refrigerator running when power was shut off, I only needed a small system, but a system that would nullify my bill seemed worth it.
11. I signed an agreement for purchasing the system and installation. I also signed a financing agreement with Mosaic. A true and accurate copy of the agreement with Solar Titan and the financing agreement with Mosaic is attached.

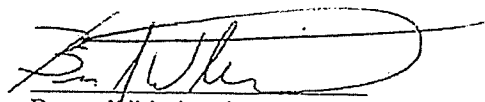
12. For about a month after signing up with Solar Titan, I called Solar Titan, and they told me installers would be there the following week. The installers kept missing the appointment, so I would have to call again, and Solar Titan rescheduled.
13. Finally, on September 14, 2021, a team came to install my panels. Although they installed the panels, they did not turn the system on, so it was not generating any power. They told me the Knoxville Utility Board (KUB) needed to come out to inspect the system.
14. I waited several weeks for KUB to inspect. I called Solar Titan several times about the inspection, but they kept putting me off. Solar Titan was not returning my messages. I had to call several people in the office.
15. About a month after the installation, I finally spoke to someone at Solar Titan named Caitlin. Caitlin told me it was not Solar Titan's responsibility to coordinate with KUB. This was different from what Jason had told me before.
16. I called KUB myself, and KUB told me they did not have any paperwork about the solar panel system being installed from Solar Titan. I called Solar Titan back, and they sent the paperwork.
17. Once KUB had the paperwork they needed from Solar Titan, KUB inspected it in November 2021. During the inspection, KUB pulled the meter from the wall and installed a new meter. KUB sent paperwork to the State so the State could come to do an inspection. The State inspected the system on November 3, 2021.
18. Solar Titan did not come to turn on my system until January 2022, about five (5) months after Jason came to my home to sell me the system.

19. I told Mosaic that my monthly payments would start before my solar system was even working. Mosaic moved my payment back to December. Even after Mosaic moved my payment back, I still ended up paying Mosaic before my Solar system was turned on.
20. After Solar Titan told me that my solar system was now on, I noticed my Generac battery was not charging. I called Solar Titan, and Solar Titan came to look at my battery. The person who came to look at the battery told me that the battery does not work when it is below 40 degrees.
21. Without my battery, I was not saving the extra energy the solar panels produced during the day.
22. My battery did not start working until the spring.
23. Even now that the batter has been working, my energy bill is the same because the panels do not produce nearly the amount of energy, I was told they would produce. My energy consumption has not changed since I spoke to Jason in July 2021.
24. I am still paying \$405.71 a month for the solar panel system and about \$400 a month for my electric bill because the solar panel system did not nullify my bill. I also found out that the battery does not work for several months out of the year, and the solar system won't work when the electricity is turned off. I don't have the fail-safe or the savings I was promised.

I declare under penalty of perjury under the laws of the State of Tennessee and pursuant to 28

U.S.C. § 1746 that the foregoing is true and correct. Executed this 14th day of

September, 2022 in SEYMOUR, TN (city/state).


Bruce Whitehead

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

STATE OF TENNESSEE, <i>ex rel.</i>)	
JONATHAN SKRMETTI,)	
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Plaintiff,)	
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IDEAL HORIZON, d/b/a SOLAR TITAN,)	
USA, <i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF RONNIE SMITH

I, Ronnie Smith, hereby state that I have personal knowledge of the facts set forth below.

If called as a witness, I would testify as follows:

1. I am a United States citizen and am over 18 years of age. I reside in Loudon County, Tennessee.
2. Around June 2020, I first encountered Jason Horton (Jason), a sales representative of Defendant, Ideal Horizon Benefits d/b/a Solar Titan USA (Solar Titan), when he came to my home after visiting my daughter. My daughter had a metal roof and was told by Jason that Solar Titan could not install solar panels on metal roofs. My daughter was the person that referred Jason to us since we were interested in a solar system.
3. During my initial meeting with Jason, he told me that if I purchased a system from Solar Titan, I would receive a tax rebate of approximately \$8,400. I could then use the money from the tax rebate to help pay the loan I had to take out in order to afford the solar panels.

4. Jason also promised our solar system would include 3 batteries to store any excess electricity generated by our solar panels. He also told me my electrical bill would not be over \$200 per month. Jason also told me the excess power generated as a result of the solar system would be bought back by the Loudon County Utility Board and a rebate check would be sent to me based on the number of kilowatts purchased.
5. Jason told me that if anything happened during the time the system was operational or while the system was being installed, personnel from Solar Titan would immediately respond to fix the problem. Jason told me the company would respond even during a storm if the power malfunctioned. Jason guaranteed good customer service.
6. After hearing the sales pitch from Jason, my wife and I decided to have 26 panels installed on our roof. I signed a contract with Solar Titan and financed the solar system through Solar Mosaic, a loan company working with Solar Titan. Jason told me that if I ever sell the house, the loan for the system would be transferred to the new home owners.
7. Approximately 2 weeks after I signed the contract with Jason, personnel from Solar Titan came to my home and installed the panels. When the installers were installing the panels, I was told personnel from Mosaic were there as well observing the installation.
8. I financed the entire system through Solar Titan and Mosaic. I believe I financed over \$20,000; however, I pay \$347.80 per month until the loan is paid off. I believe I have 5 or more years of payments.
9. I do not know the exact terms of my loan. I never received a copy of the contract for the loan. Everything I signed was electronic and I do not have email.

10. After the solar panels were installed on the roof, the roof began to leak. I contacted Solar Titan about the leaks. Personnel from Solar Titan came out to the house and told me the leaks were not caused by the solar panels.
11. Since Solar Titan would not fix the leaks, I contacted a local roofing company who came out to the house and examined the roof and where it was leaking. Personnel from the roofing company told me the roof leaks because of how the panels were installed. Even though it was Solar Titan that caused the leaks, I had to pay the roofing company to fix the areas where the roof was leaking.
12. I have complained several times to Solar Titan; however, my telephone calls have gone unanswered. Solar Titan told me the Solar panels are operational, but I still don't have batteries to store power. Jason told me I would receive 3 batteries which I have never received.
13. I still don't think the solar panels are working since my electric bills have not decreased. My electric bill is still around \$400 per month even though I was promised by Jason that my electric bill would be under \$200 per month.

I declare under penalty of perjury under the laws of the State of Tennessee and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed this 15 day of Sept, 2022 in Kentucky (city/state).

Ronnie Smith
Ronnie Smith

